



BIDEN'S ATTACK ON DISHWASHERS

President Biden's Department of Energy (DOE) continues to overreach, with more than 100 regulatory actions targeting household appliances and equipment since 2022. The most recent proposed rule targeting dishwashers would add greater costs to consumers, restrict choice and lower product quality, and very likely increase energy and water use—the opposite of the DOE's intended effect. These actions fail a basic cost-benefit test, amount to the increasing micro-management of Americans lives, and may represent a violation of public law.

- **DOE continues its assault on American household appliances.**

- This month, the Biden DOE released a proposed regulation that would change water efficiency standards on dishwashing machines, making sure dishwashers are manufactured to use no more than 3.3 gallons of water per wash cycle (gal/cycle) for the standard-size dishwasher and 3.1 gal/cycle for the compact-size dishwasher.
- This proposed rule is just the next in the firing line of the Biden administration's war on American households. Already this year, the DOE has issued proposed regulatory actions impacting numerous household appliances, including installation and usage requirements ranging from gas stoves to washing machines, in the Biden administration's effort to turn homes "green".¹ This is adding insult to injury given that the Biden administration issued 110 regulatory actions in 2022 to "strengthen energy efficiency in household appliances and equipment" and "reduce greenhouse gas emissions".^{2,3}
- The proposed rule is part of the Biden administration's misguided political agenda to remake the U.S. into the improbable "net-zero" emissions economy by 2050. [For more information, see RPC's Guide *The Biden Administration's Hijacking of the SEC*⁴] The net-zero emissions energy policy framework disregards the enormous benefits that reliable, affordable and cost-effective carbon, hydro and nuclear energy sources have had and continue to hold for humans to gain both climate and resource mastery in order to live healthier and more productively.⁵
 - Over the past century since 1920, as atmospheric CO₂ emissions have risen, the rate of climate-related disaster deaths has decreased 98 percent—the average person is fifty times less likely to die from a climate-related cause than a century ago.⁶
 - Also, the greater deployment and reliance on fossil-fueled "machine labor" and energy use has led to the dramatic increases in standards of living, with higher life expectancy rates at birth and rising Gross Domestic Product (GDP) per person.⁷

- **The rule would come at the expense of American households.**

- The new Biden DOE regulations on household appliances will, at best, result in minimal savings from energy use but push up point-of-sale prices for consumers.⁸
- The dishwasher rule is already causing the industry to make changes, even before it has become a final regulation.
 - The DOE estimates the proposed dishwasher rule alone would add \$125.6 million in "total conversion costs" to industry manufacturers,⁹ yet, combined with the onslaught of additional DOE regulatory actions, the manufacturing industry could absorb upwards of \$2.5 billion in total conversion costs to meet the array of regulations on household appliances and equipment going

into effect under the Biden DOE.¹⁰

- Under another recently proposed DOE regulation on washing machines, manufacturers will incur upwards of \$700 million in conversions costs to produce new washing machines to meet the Biden administration requirements,¹¹ pushing up the point-of-purchase price for washing machines \$150 per washer.¹²
- The proposed rule also adds to the higher costs that have already been imposed on consumers over the past decade.¹³
 - The Obama-era dishwasher regulatory actions added upwards of \$100 to the price of a dishwasher purchase,¹⁴ and now the Biden DOE rule would put additional cost burdens on consumers for new purchases.
 - The Obama administration implemented similar regulation on dishwashers, reducing the maximum gal/cycle requirement in a 2012 rule to 5.0 gal/cycle and then in 2015 proposed even tighter standards at 3.1 gal/cycle.^{15,16} The lower quality dishwashers often result in households running more than one cycle to get dishes clean, if not altogether frustrating consumers to the point of not using them at all and washing dishes by hand.¹⁷ Either way, independent estimates showed consumers would use 63 billion gallons more water with 32 percent lower energy savings than the DOE expected under the similarly proposed 2015 DOE regulation.¹⁸
- The regulators at DOE are just furthering their micromanagement of Americans' lives,¹⁹ and disregarding that most dishwashers on the market today already achieve an "Energy Star" certification,²⁰ an energy efficiency program run at the Environmental Protection Agency (EPA).
 - According to the EPA, an "energy star" certified dishwasher would result in \$447 in "lifetime operating costs" versus \$2,012 for hand washing dishes.²¹

Product Type	Energy Usage Criteria ²²	
➤ Proposed DOE Regulation – Standard Dishwasher ²³	≤ 223 kWh/year	≤ 3.3 gal/cycle
➤ Proposed DOE Regulation – Compact Dishwasher ²⁴	≤ 174 kWh/year	≤ 3.1 gal/cycle
○ EPA Energy Star – Standard Dishwasher ²⁵	≤ 270 kWh/year	≤ 3.5 gal/cycle
○ EPA Energy Star – Compact Dishwasher ²⁶	≤ 203 kWh/year	≤ 3.1 gal/cycle
➤ Dishwashing by hand ²⁷	9 to 27 gal/cycle	
○ Usage compared to Proposed Biden DOE Dishwasher	○ 3 to 8 times greater gal water	
➤ Incandescent light bulb ^{28,29,30}	876 kWh/year	
○ Usage compared to Proposed Biden DOE Dishwasher	○ About 4 times greater kWh	

- However much the proposed rule ends up costing consumers, it adds to the increased costs of the regulations put on many other household appliances by the Biden administration.
- **Regulatory overreach will cede more economic power to China.**
 - This rule, along with the slew of other DOE regulatory actions taken against home appliances under the Biden administration, will increase prices and could lead appliance manufacturers to shift more production abroad, including to China, where production costs are less expensive.^{31,32}
 - China, which has become the world's largest manufacturer base of household appliances,^{33,34,35} comprising upwards of 80 percent of air conditioners, and the majority of refrigerators, and other small home appliances,³⁶ could gain even greater control in the manufacturing of products in Americans' homes.
 - The rule would do little, if anything, to meaningfully reduce CO₂ emissions—upwards of 90 percent of energy use in China comes from coal, oil, natural gas, nuclear, and hydropower sources.³⁷ As the U.S. cedes manufacturing competitiveness to China, including ongoing production capacity to make home appliances that meet the proposed DOE regulations, CO₂ emissions will only increase, in direct contrast to the stated climate change goal of the Biden administration.
- **The rule is administrative overreach and may violate public law.**
 - The Biden DOE is advancing the proposed rule under the purported authorities provided in the Energy Policy and Conservation Act of 1975 (EPCA),³⁸ yet it is likely in violation of the law since the EPCA "explicitly forbids the agency from pursuing efficiency at the expense of appliance performance, choice, and features."³⁹

- The Biden DOE is already being challenged in federal court for its rescinding of the deregulatory actions the Trump administration took to expand consumer choice in the dishwasher market.⁴⁰ Now, while this challenge remains, the Biden administration is disregarding these legal challenges and pressing full throttle to further choke consumer choice in this market.

Published June 23, 2023

¹ Susan Ferrechio. Biden seeks to turn entirety of homes green; manufacturers of appliances warn of lower performance. The Washington Times. May 7, 2023. <https://www.washingtontimes.com/news/2023/may/7/bidens-avalanche-of-energy-rules-hits-manufacturer/>

² Fact Sheet: Biden-Harris Administration Takes More Than 100 Actions in 2022 to Strengthen Energy Efficiency Standards and Save Families Money. The White House. December 19, 2022. <https://www.whitehouse.gov/briefing-room/statements-releases/2022/12/19/fact-sheet-biden-harris-administration-takes-more-than-100-actions-in-2022-to-strengthen-energy-efficiency-standards-and-save-families-money/>

³ The Biden administration has also issued its net-zero emissions economy goal to achieve 1.5°C goal by no later than 2050. Fact Sheet: President Biden to Catalyze Global Climate Action through the Major Economies Forum on Energy and Climate. April 20, 2023.

<https://www.whitehouse.gov/briefing-room/statements-releases/2023/04/20/fact-sheet-president-biden-to-catalyze-global-climate-action-through-the-major-economies-forum-on-energy-and-climate/#:~:text=President%20Biden%20has%20set%20an,by%20no%20later%20than%202050.>

⁴ The Biden Administration's Hijacking of the SEC. House Republican Policy Committee. <https://republicanpolicy.house.gov/sites/evo-subsites/republicanpolicy.house.gov/files/evo-media-document/sec-climate-rule-rpc-guide-final.pdf>

⁵ Epstein, Alex. *Fossil Future: Why Global Human Flourishing Requires More Oil, Coal, and Natural Gas--Not Less*. Portfolio/Penguin, 2022.

⁶ *Id.*

⁷ As noted by author Alex Epstein, “[t]he essential value of energy and machines to human flourishing is that they *amplify* and *expand* our naturally meager productive ability—our ability to produce the material values we need to survive and flourish, from food to clothing to shelter to medical care to education.” *Id.*

⁸ According to the Biden administration, the proposed DOE dishwasher rule would save about \$17 in annual energy costs, or less than \$1.50 per month, while adding at least \$15 to the cost of dishwashers. This is likely a low estimate of the additional financial cost Americans will incur when purchasing new dishwashers that would be forced to conform to the new manufacturing standards, the added financial and time cost of having to do multiple cycles to adequately clean dishes. Rachael Wilfong. Latest Appliance Energy-Efficiency Mandate Equals Fewer Consumer Choices, Dirtier Dishes. The Heritage Foundation. May 16, 2023. <https://www.heritage.org/government-regulation/commentary/latest-appliance-energy-efficiency-mandate-equals-fewer-consumer>

⁹ <https://www.regulations.gov/document/EERE-2019-BT-STD-0039-0037>

¹⁰ Stopping the DOE's Regulatory Onslaught. National Association of Manufacturers. June 7, 2023. <https://www.nam.org/stopping-the-does-regulatory-onslaught-26999/>

¹¹ Matteo Cina. Biden washing machine rule would make Americans dirtier and stinkier – and raise prices: manufacturers. Fox News. March 14, 2023. <https://www.foxnews.com/politics/biden-washing-machine-rule-would-make-americans-dirtier-stinkier-raise-prices-manufacturers>

¹² <https://www.nam.org/issue/regulatory-legal-reform/>

¹³ The Trump Administration has reversed the Obama-era regulations made on dishwashers through a 2020 Final Rule. Department of Energy Issues Final Rule to Ensure American Families Have Access to High-Performance, Labor-Saving Dishwashers. U.S. Department of Energy. October 23, 2020. <https://www.energy.gov/articles/department-energy-issues-final-rule-ensure-american-families-have-access-high-performance>

¹⁴ Ernest Istook. The Washington Times. June 23, 2015. washingtontimes.com/news/2015/jun/23/plan-to-wash-dishes-by-hand-as-red-tape-makes-dish/

¹⁵ The Obama DOE ultimately maintained the regulatory standards implemented in 2012 and concluded that the then-proposed requirements for standard dishwashers at 3.1 gal/cycle in 2015 were unjustified economically. <https://www.regulations.gov/document/EERE-2019-BT-STD-0039-0037>

¹⁶ washingtontimes.com/news/2015/jun/23/plan-to-wash-dishes-by-hand-as-red-tape-makes-dish/

¹⁷ The Editorial Board. The Federal Dirty Dish Rule. The Wall Street Journal. May 12, 2023. <https://www.wsj.com/articles/energy-department-rule-dishwashers-efficiency-environment-biden-administration-5e46737f>

¹⁸ Mark Febrizio. DOE Regulations Mandate Dishwashers that Don't Wash Well. Institute for Energy Research. September 15, 2015. <https://www.instituteforenergyresearch.org/the-grid/does-dishwasher-regulations-mandate-dishwashers-that-dont-wash-well/>

¹⁹ David W. Kreutzer, Ph.D. Bureaucrats rarely give consumers what they want. The Heritage Foundation. July 7, 2015. <https://www.heritage.org/environment/commentary/bureaucrats-rarely-give-consumers-what-they-want>

²⁰ For the calendar year 2021, there was about a 93% market penetration for energy star certification in dishwashers. ENERGY STAR Unit Shipment and Market Penetration Report Calendar Year 2021 Summary. EPA.

https://www.energystar.gov/sites/default/files/asset/document/2021%20Unit%20Shipment%20Data%20Summary%20Report_0.pdf

²¹ The EPA's estimate assumes the average dishwasher lifetime equals 12 years. EPA-Energy Star.

<https://www.energystar.gov/products/dishwashers>

²² The proposed DOE rule would maintain the current capacity requirements for dishwashers at 8 place settings and 6 servings pieces.

²³ U.S. Department of Energy (DOE).

https://www1.eere.energy.gov/buildings/appliance_standards/standards.aspx?productid=38&action=viewlive

²⁴ https://www1.eere.energy.gov/buildings/appliance_standards/standards.aspx?productid=38&action=viewlive

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- ²⁵ https://www.energystar.gov/products/appliances/dishwashers/key_product_criteria
- ²⁶ https://www.energystar.gov/products/appliances/dishwashers/key_product_criteria
- ²⁷ US Geological Survey (USGS). <https://water.usgs.gov/edu/activity-percapita.php>
- ²⁸ According to survey data at the U.S. Energy Information Administration (EIA), about half of US households use at least one incandescent lightbulb for indoor lighting.
- ²⁹ For those households using only Light Emitting Diodes (LED) bulbs for indoor lighting, the average per bulb per year energy usage would be 140 kWh. <https://www.arcadia.com/energy-101/resource/how-much-energy-does-a-light-bulb-use>
- ³⁰ How Much Energy Does a Light Bulb Use? <https://www.arcadia.com/energy-101/resource/how-much-energy-does-a-light-bulb-use>
- ³¹ Susan Ferrechio. Biden Energy Dept. releases proposed rule to slash water use and energy consumption in dishwashers. The Washington Times. May 6, 2023. <https://www.washingtontimes.com/news/2023/may/6/biden-energy-dept-releases-proposed-rule-slash-wat/>
- ³² While the DOE states the intent for the proposed rule to cover all dishwashers “manufactured in, or imported into, the United States starting on a date 3 years after the publication of the final rule for this rulemaking,” it is not clear whether any implemented rule would capture the entire domestic market, which could include dishwasher products imported from abroad, that would fall outside of the new required standards. It appears from the proposed rule that up to about 10 percent of products currently fall between the DOE’s baseline efficiency level (5 gal/cycle) and the level 1 efficiency level (3.5 gal/cycle), above the proposed standard limit for standard dishwashers. <https://www.regulations.gov/document/EERE-2019-BT-STD-0039-0037>
- ³³ Yue Liu. Top 10 Chinese Home Appliances Companies. EqualOcean. July 12, 2020. <https://equalocean.com/analysis/2020071214225>
- ³⁴ Haier Named No. 1 Global Major Appliances Brand by Euromonitor International for 14th Consecutive Year. Cision PR Newswire. January 23, 2023. <https://www.prnewswire.com/news-releases/haier-named-no1-global-major-appliances-brand-by-euromonitor-international-for-14th-consecutive-year-301716375.html>
- ³⁵ Chinese state-owned companies have been increasing global market share in the home appliance manufacturing industry, including acquisitions of foreign appliances manufacturers. In the past decade, Haier, a state-owned enterprise of the Chinese Communist Party, become the world’s largest home appliances brand, with revenue exceeding its closet domestic rival, China-based Midea Group, as well as its international competitors of LG electronics and US-based Whirlpool Corporation. In the past decade, the Chinese-owned Haier Group has acquired General Electric’s appliance division, New Zealand-based Fisker & Paykel, among others. Austen Hufford. Appliance Business Cast Off by GE Thrives Under Chinese Ownership. The Wall Street Journal. November 30, 2021. <https://www.wsj.com/articles/appliance-business-cast-off-by-ge-thrives-under-chinese-ownership-11638268380>
- ³⁶ Fan FeiFei. Home appliances on steady growth track despite COVID. January 2022. China Daily. <http://global.chinadaily.com.cn/a/202201/04/WS61d39edba310cdd39bc7edb5.html>
- ³⁷ Energy Information Administration (EIA). August 8, 2022. <https://www.eia.gov/international/analysis/country/chn>
- ³⁸ Public Law 94-163. <https://www.congress.gov/94/statute/STATUTE-89/STATUTE-89-Pg871.pdf>
- ³⁹ Ben Lieberman. Screw up the dishwashers, save the planet? Competitive Enterprise Institute. May 8, 2023. <https://cei.org/blog/screw-up-the-dishwashers-save-the-planet/>
- ⁴⁰ *Id.*